



TEXAS JUVENILE PROBATION COMMISSION

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EXECUTIVE DIRECTOR
Bernard Licarione, Ph.D.

February 6, 1992

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Opinion Commission

Honorable Dan Morales
Attorney General of Texas
Supreme Court Building
P. O. Box 12548
Austin, Texas 78711-2548

Dear General Morales:

The 72nd Texas Legislature made several changes in the Texas Family Code which concern the transfer from juvenile courts to criminal courts original jurisdiction over fineable offenses committed by persons ages 10 to 17. This has raised questions about the relationship between the juvenile and the criminal courts. These questions affect the public interest and the official duties of the Texas Juvenile Probation Commission, which include improving communications among state and local entities within the juvenile justice system. Texas Human Resources Code § 141.001(5) (Vernon 1990). For these reasons, I ask for your assistance in answering the following questions.

1. What is the minimum age for criminal prosecution of a person?
2. May the case of a child who is charged with a municipal ordinance violation, other than a traffic offense, be transferred to juvenile court?
3. When a municipal court considers whether it must and whether it may transfer a child's case to juvenile court under Texas Family Code § 51.08(b), should the court count municipal ordinance convictions for offenses other than traffic offenses?

I appreciate your assistance in this matter, and look forward to hearing from you.

Sincerely yours,

Bernard Licarione

Bernard Licarione, Ph.D.
Executive Director

Certified mail # P 343 766 187

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